

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

COURT
JERSEY

3:17

Olga Shah

Plaintiff,

Civil Action No. 1:12-cv-04648-RBK-KMW

vs.

Plaintiff's Motion to Reopen Matter

Ashok Shah

Defendant.

Oral Argument requested

INTRODUCTION

Plaintiff, Olga Shah (hereinafter "Plaintiff"), Pro-Se, hereby submits the following PLAINTIFF'S MOTION TO REOPEN MATTER, set new trial, return case for review.

Plaintiff states and alleges that trial judge broke following listed below:

- 8 CFR 213a.2 - Use of affidavit of support
- 8 U.S. Code § 1183a - Requirements for sponsor's affidavit of support
- INA 213a
- Paragraph "What is the Legal Effect of My Signing the Form I-864?"(Form I-864, part 8, page 6)
- 18 U.S. Code § 242 - Deprivation of rights under color of law

LAW

- Rule 60(b)(1)
- Rule 60(b)(6)-exceptional terrifying injustice, breakage US Code Of Federal Regulations, Immigration and Nationality Act, form I-864 provisions itself, US Code.
- 8 CFR 213a.2 - Use of affidavit of support
- 8 U.S. Code § 1183a - Requirements for sponsor's affidavit of support
- INA(Immigration and Nationality Act),section 213a
- Paragraph "What is the Legal Effect of My Signing the Form I-864?"(Form I-864, part 8, page 6)
- 18 U.S. Code § 242 - Deprivation of rights under color of law

HISTORY

Opinion issued by the trial judge (document 114, dated 10/30/2015) has statements that going against US Code, Immigration and Nationality Act, I-864 provisions, here are they:

Citation 1 (page 4, document 114):

“Plaintiff obtained two-year conditional resident status on May 25, 2011 based on Defendant’s Form I-864. Support obligations under Form I-864 terminate when the alien: (1) becomes a United States citizen; (2) has worked or can be credit with 40 qualifying quarter under the Social Security Act, 42 U.S.C. § 401, *et seq.*; (3) ceases to hold the status of an alien lawfully admitted for permanent residence and departs the United States; (4) obtains a new grant of adjustment of status as relief from removal; or (5) dies. 8 C.F.R. § 213a2(e)(2). After Plaintiff received a one-year extension from USCIS, her status was set to expire on May 25, 2014. But upon Plaintiff’s petition, USCIS adjusted Plaintiff’s immigration status to that of lawful permanent resident on December 13, 2013 (Doc. No. 105). Because Plaintiff’s status adjustment was not based upon Defendant’s Form I-864, her status adjustment terminated Defendant’s obligation to support Plaintiff. As such, Plaintiff’s Motion for a New Trial (Doc. No. 109) is DENIED.”

Citation 2 (page 4, document 114):

“This Court does not have the authority pursuant to Rule 52(b) to amend findings made by a jury. As such, Plaintiff’s Motion for Amendment of Court Findings (Doc. No. 110) is DENIED.”

ARGUMENT

Citation 1 statements-are wrong as Plaintiff’s status adjustment was based on already existed and signed by Defendant form I-864,once I-864 signed, its valid until termination conditions are met, what conditions are, you can read in form I-864, part 213a of INA, 8 CFR 213a.2, 8 U.S. Code § 1183a.

Conclusion- Plaintiff’s all past present and future applications for immigration benefits are covered by Affidavit of Support form I-864 that already been signed by Defendant as affidavit still valid due conditions of invalidity are not met yet.

Another word, each Plaintiff’s status adjustment application, does not require **new** Affidavit of Support as one signed by Defendant, already exists, and still fully legal enforceable and valid, as no one of termination conditions are met.

To make all clearer please read Paragraph “What is the Legal Effect of My Signing the Form I-864?”(Form I-864, part 8, page 6), here it is:

“If you sign a Form I-864 on behalf of any person (called the "intending immigrant") who is applying for an immigrant visa or for adjustment of status to a permanent resident, and that intending immigrant submits the Form I-864 to the U.S. Government with his or her application for an immigrant visa or adjustment of status, under section 213A of the Immigration and Nationality Act these actions create a

contract between you and the U. S. Government. The intending immigrant's becoming a permanent resident is the "consideration" for the contract.

Under this contract, you agree that, in deciding whether the intending immigrant can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.”

The support obligation under I -864 continues indefinitely unless the sponsored immigrant 1) becomes a United States citizen, (2) has worked or is credited with 40 qualifying quarters of coverage (as defined by the Social Security Act, 42 U.S. C. § 413), (3) no longer has lawful permanent resident status and departs the United States, (4) becomes subject to removal but obtains a new grant of adjustment status, or (5) either the sponsor or the sponsored immigrant dies. 8 U.S. C. § 1183a(a)(2) -(3); 8 C.F.R. § 213a.2(e)(2).

Affidavit of support doesn't attached to exact particular application ITS ONE for all, and some applications as well simply do not need one.

Conditions under which trial judge “made” affidavit of support unenforceable illegal+ his own invention that breaking multiple provisions of US Code, see part LAW of this motion.

Citation 2 statements are false, as not a jury but a judge made findings that he for now cannot amend, for some reasons, please let's refer to Document 104 Filed 03/16/15 MINUTES OF PROCEEDINGS: Here citation from it with time of proceedings:

“Jury retired to deliberate @ 3:00 PM.
Jury returned to Courtroom for further instructions @ 3:30 PM
Jury retired to continue deliberations @ 3:35 PM.
ORDERED jury note filed.(C-2)
Jury returned with verdict @ 3:25 PM.”

SO, in 3:25 pm jury returned with verdict, AND judge in 3.30pm instructed them to change verdict in accordance with his needs, here where my rights for justice were violated and breakage of 18 U.S. Code § 242 happened.

On 3:30 pm trial judge found that Defendant not liable any more under form I-864 and his obligations ended exactly in moment when Plaintiff failed to lose her permanent resident status and continued to keep it, so jurors were instructed by trial judge to change verdict accordingly to his command.

And trial judge commanded to them exclude period December 2013-**now** from support due calculation+**periodic support obligation totally.**

CONCLUSION

Due the breakage of US Code's multiple provisions Plaintiff requesting reopen the matter and litigate it in accordance with law, US Code and justice and without deprivation of her constitutional rights.

Plaintiff requesting new trial.

Plaintiff requesting court review and amend findings.

Plaintiff requesting just legal free from US Code breakage judgment.

Plaintiff requesting award her periodic support in accordance with US Code and I-864 terms, as well as oblige Defendant to pay past due support December 2013-now.


Plaintiff demand just treatment in accordance with US code provisions, please see paragraph LAW.

Plaintiff demand to stop deprivation of her constitutional rights under color of law.

LIST OF ESSENTIAL ACCOMPANING EXHIBITS FOR Rule 60(b)(1) and 60(b)(6)

EXHIBITS E1-E - evidence that Plaintiff went and continue go thru significant hardships and expenses that really hit her wellbeing.

Dated: 05.05.2016

Signed: 

Plaintiff Pro-se

Exhibit E1: plaintiff homeless

Cumberland Family Shelter

A Division of Rural Development Corp., Inc.

6140 Mays Landing Road
Vineland, N.J. 08361
Phone- 856-825-3144
Fax - 856-825-9618

To: Olga Shah
FROM: Tammy Morris
DATE: December 15, 2015
RE:

This letter is to verify that you currently reside in our facility.

You are permitted to receive mail at the above address while you reside here.

Date Arrived: 12/10/15

There are three (3) copies of this letter attached for your use.

Thank You

C: client file

**Return signed copy to the warehouse.
The attached copy is for the client**

My Written Discharge Instructions - Inspira Health Ctr Bridgeton

(Share this form with your Physicians and Pharmacies)



Patient Name: SHAH, OLGA **MRN:** 900445097
Date of Birth: 07/12/1982 **Acct No:** 77361753
Admit Date: 12/17/2015 2:45 pm **Age/Sex:** 33Y/Female
Location: BMHU **Attending Dr:** Rhoades, DO, Walter
Allergy: No Known Allergies, No Known Drug Allergies, No Known Food Allergies

Please Call (856-575-4160) If You Have Any Questions With Your Discharge Instructions.

Discharge Medications

TAKE THESE MEDICATIONS AFTER DISCHARGE

If you have questions about your medications, please ask your physician or nurse.

Medication Name	Amount	How Much Do I Take?	How Do I Take This Medicine?	When Do I Take This Medicine?	Is This A New Medication?	Is This A Change To My Medication?	Pharmacy
clonazepam (Klonopin) Tablet	0.5 mg	1 tablet	oral	twice a day	Yes	No	
escitalopram oxalate (Lexapro) Tablet	5 mg	3 tablet	oral	Daily	Yes	No	

TAKE THESE MEDICATIONS AFTER DISCHARGE AS NEEDED

If you have questions about your medications, please ask your physician or nurse.

Medication Name	Amount	How Much Do I Take?	How Do I Take This Medicine?	When Do I Take This Medicine?	Is This A New Medication?	Is This A Change To My Medication?	Pharmacy
trazodone (Desyrel) 50 mg ORAL Tab QHSP INSOMNIA			oral		Yes	No	

Pt Name: SHAH, OLGA

MRN: 900445097

Rm/Bed: 131702

My Written Discharge Instructions

Printed By: Lloyd RN, Laudia

Generated On: 12/28/2015 3:19:57PM

Exhibit E 2 Plaintiff has mentored programs

Exhibit C3
lacks nutrition
resources

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

WFNJ - 120 (10/97)

DFD-FH #: 165255

ACKNOWLEDGEMENT OF FAIR HEARING REQUEST AND STATUS OF CONTINUING BENEFITS

MS. OLGA SHAH
P O BOX 404
VINELAND NJ 08360

Notice Date : 11/30/2015

BARA Received : 12/4/2015

Case Number : GA455946

Your request for a fair hearing has been received and forwarded to the Office of Administrative Law for the conduct of a hearing. Notice of date, time and place of the hearing will be sent to you by the Office of Administrative Law. Information about fair hearings is provided on the attached form.

If you have been receiving benefits from a county welfare agency, you should have received prior notice no less than 10 days before the effective date of reduction, termination or suspension of benefits. When a fair hearing request is made within 15 days of the date of notice, benefits may be continued unreduced until the scheduled date of the hearing. **Should you fail to attend the scheduled hearing, your benefits may no longer be continued at the unreduced amount.** If the fair hearing decision is not in your favor, AFDC or WFNJ/TANF/GA benefits paid after effective date of the proposed action to reduce, terminate or suspend will be subject to recovery and you may be responsible for reimbursement of any overissuance in food stamp benefit.

In your case the following determination has been made.

- ☒ Eligibility exists for continued benefits in an unchanged amount until the final decision. **GA**
- ☐ Eligibility exists, but entitlement waived.
- ☐ No eligibility exists for continued benefits in an unchanged amount pending the final decision. Request not timely.
- ☒ Unchanged benefits pending the final decision do not apply since the hearing issue pertains to: **SNAP**
- ☒ denial ☐ correctness
- ☒ change occurred at time of food stamp recertification.
- ☐ other (specify) _____

Any questions pertaining to continuing benefits may be directed to:

Bureau of Administrative Review and Appeals
Division of Family Development
P.O. Box 716
Trenton, New Jersey 08625 Telephone: 1-800-792-9774 (Toll Free)
Fax: (609)588-2149

c: 06-90 CUMBERLAND COUNTY BD OF SOC SVCS.

Exhibit E4 - Plaintiff in time consuming litigation with welfare office
E8



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
P.O. Box 049
Trenton, NJ 08625-0049

OAL Docket. No.: HMA 09821-2015 S

Agency Ref. No.: 0670455946

Transmitting Agency: Division of Medical Assistance & Health

Judge: Bruce M. Gorman
Phone No. 609-689-4032

> office, secretary 609 441 3763 G1

Shah, Olga v. Cumberland Bd of Soc. Svc.

Notice of
Hearing

Nature of proceeding:

Petitioner appeals the termination of Medicaid eligibility.

The hearing in this case will be held on:

Date: 08/12/2015

Time: 9:30AM

Location: Upper Deerfield Twp Mun Bldg Main Court Room 1325 Highway 77 Seabrook, N.J. 08302

Directions are on the OAL website www.state.nj.us/oal (see the Locations tab).

The rules controlling the hearing are found in N.J.A.C. 1:1-1 et. seq. These rules can be accessed through a link on the Office of Administrative Law's website: www.state.nj.us/oal. (see the "Rules" section under the Rules tab). If you need to subpoena a witness, forms and instructions are on the Office of Administrative Law's website: www.state.nj.us/oal, (see the "Subpoena" section under the Forms tab).

If you cannot speak English, contact the county welfare agency for help getting an interpreter or bring someone who can speak both English and your language to interpret.

Si usted no puede hablar Inglés, póngase en contacto con la agencia de asistencia pública del condado para obtener ayuda de intérprete o traer a alguien que puede hablar Inglés y su lanaguage a interpet.

If you do not attend the hearing, the file will be returned to the transmitting agency for appropriate action which may include imposition of the proposed penalty or granting the relief requested by the other party.

In the event of inclement weather or other emergency, please contact the Superior Court in the county in which this matter is scheduled. If that Superior Court is closed, this matter will be cancelled and you will be notified by the OAL of the new date. County courthouse closings: www.judiciary.state.nj.us/closing.htm

July 22, 2015

Date

Deputy Clerk, OAL



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
P.O. Box 049
Trenton, NJ 08625-0049

Exhibit E5

OAL Docket. No.: HPW 20340-2015 S

Agency Ref. No.: GA455946

Transmitting Agency: Division of Family Development

Filed Date: December 14, 2015

Judge: Bruce M. Gorman
Phone No. 609-689-4034

Shah, Olga Ms.

609 - 441 3763
j11
Notice of Filing
and Hearing

Nature of proceeding:

Termination WFNJ/GA-WR. Failure to verify information. Termination food stamp-rцер. Residency.

Please refer to the docket number above whenever you write or call the OAL.

The hearing in this case will be held on: La fecha y lugar de el juicio sera:

Date: 01/06/2016

Time: 9:30AM

Location: Upper Deerfield Twp Mun Bldg Main Court Room 1325 Highway 77 Seabrook, N.J. 08302

If you cannot speak English, contact the county welfare agency for help getting an interpreter or bring someone who can speak both English and your language to interpret.

Si usted no puede hablar Inglés, póngase en contacto con la agencia de asistencia pública del condado para obtener ayuda de intérprete o traer a alguien que puede hablar Inglés y su lanaguage a interpet.

The rules for this hearing are in N.J.A.C. 1:1-1 et. seq. and in N.J.A.C. 1:10-1.1 et seq. and can be accessed at: www.state.nj.us/oal. (see the Quicklink). The client may see the welfare office's documents concerning the case before the hearing, and may bring a lawyer or other person to the hearing to help, or ask the county welfare agency for information on legal services attorneys. Bring two copies of all the papers you plan to use at the hearing.

If you do not attend the hearing, the hearing request will be dismissed for failure to appear unless you demonstrate good cause. The judge will return the file to the agency which may impose the action originally proposed.

In the event of inclement weather or other emergency, please contact the Superior Court in the county in which this matter is scheduled. If that Superior Court is closed, this matter will be cancelled and you will be notified by the OAL of the new date. *County courthouse closings:* www.judiciary.state.nj.us/closing.htm

Date: December 28, 2015

Deputy Clerk, OAL



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
P.O. Box 049
Trenton, NJ 08625-0049

Exhibit E6

OAL Docket. No.: HMA 01625-2016 S

Agency Ref. No.: 0670455946

Transmitting Agency: Division of Medical Assistance & Health

Judge: John S Kennedy
Phone No. 609-689-4032

Shah, Olga v. Cumberland Co. BSS

Nature of proceeding:

Petitioner appeals the termination of Medicaid eligibility.

The hearing in this case will be held on:

Date: 03/09/2016

Time: 9:30AM

Location: Upper Deerfield Twp Mun Bldg Main Court Room 1325 Highway 77 Seabrook, N.J. 08302

Directions are on the OAL website www.state.nj.us/oal (see the Locations tab).

The rules controlling the hearing are found in N.J.A.C. 1:1-1 et. seq. These rules can be accessed through a link on the Office of Administrative Law's website: www.state.nj.us/oal. (see the "Rules" section under the Rules tab). If you need to subpoena a witness, forms and instructions are on the Office of Administrative Law's website: www.state.nj.us/oal, (see the "Subpoena" section under the Forms tab).

If you cannot speak English, contact the county welfare agency for help getting an interpreter or bring someone who can speak both English and your language to interpret.

Si usted no puede hablar Inglés, póngase en contacto con la agencia de asistencia pública del condado para obtener ayuda de intérprete o traer a alguien que puede hablar Inglés y su lanaguage a interpet.

If you do not attend the hearing, the file will be returned to the transmitting agency for appropriate action which may include imposition of the proposed penalty or granting the relief requested by the other party.

In the event of inclement weather or other emergency, please contact the Superior Court in the county in which this matter is scheduled. If that Superior Court is closed, this matter will be cancelled and you will be notified by the OAL of the new date. *County courthouse closings:* www.judiciary.state.nj.us/closing.htm

February 17, 2016

Date

Deputy Clerk, OAL

clerk
miller
Jit
609 441
3763

Notice of
Hearing



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
P.O. Box 049
Trenton, NJ 08625-0049

Exhibit E8

OAL Docket No.: HMA 01625-2016 S



Agency Ref. No.: 0670455946

Transmitting Agency: Division of Medical Assistance & Health

Judge: William T. Miller
Phone No. 609-689-4032

609-441-3763

Shah, Olga v. Cumberland Co. BSS

Notice of
Hearing

Nature of proceeding:
Petitioner appeals the termination of Medicaid eligibility.

gaiker
~~But then~~
bring he
place.

The hearing in this case will be held on:

Date: 05/04/2016

Time: 9:30AM

Location: Upper Deerfield Twp Mun Bldg Main Court Room 1325 Highway 77 Seabrook, N.J. 08302

Directions are on the OAL website www.state.nj.us/oal (see the Locations tab).

The rules controlling the hearing are found in N.J.A.C. 1:1-1 et. seq. These rules can be accessed through a link on the Office of Administrative Law's website: www.state.nj.us/oal. (see the "Rules" section under the Rules tab). If you need to subpoena a witness, forms and instructions are on the Office of Administrative Law's website: www.state.nj.us/oal, (see the "Subpoena" section under the Forms tab).

If you cannot speak English, contact the county welfare agency for help getting an interpreter or bring someone who can speak both English and your language to interpret.

Si usted no puede hablar Inglés, póngase en contacto con la agencia de asistencia pública del condado para obtener ayuda de intérprete o traer a alguien que puede hablar Inglés y su lanaguage a interpet.

If you do not attend the hearing, the file will be returned to the transmitting agency for appropriate action which may include imposition of the proposed penalty or granting the relief requested by the other party.

In the event of inclement weather or other emergency, please contact the Superior Court in the county in which this matter is scheduled. If that Superior Court is closed, this matter will be cancelled and you will be notified by the OAL of the new date. County courthouse closings: www.judiciary.state.nj.us/closing.htm

March 14, 2016
Date

Deputy Clerk, OAL

